

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-150364-001 DT

09/02/2009

HON. SALLY S. DUNCAN

CLERK OF THE COURT
M. Cabral
Deputy

STATE OF ARIZONA

MANUEL DESI RUBALCABA

v.

JOHN BACON (001)

STEVE B KOESTNER

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY THREE (3)

Prior to the commencement of Trial, State's Exhibit 158 is marked for identification.

State's Attorney:	Desi Rubalcaba
Defendant's Attorney:	Steve Koestner
Defendant:	Present
Court Reporter:	Scott Kindle

10:42 a.m. Trial to Jury continues from September 1, 2009.

The jury is not present.

LET THE RECORD REFLECT that the witness, Gabriel Boldra, is present with his counsel, Rebecca Felmly.

The Court advises the witness of the Court's ruling regarding the testimony that is not allowed to be elicited.

The witness is excused from the courtroom.

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10:52 a.m. The jury is now present.

State's case continues:

Eric Templin, having been previously sworn, testifies further.

LET THE RECORD REFLECT the Court is in receipt of a question from the jury. Same is discussed at the bench by Court and counsel. The Court asks the question of the witness.

FILED: Jury question.

The witness is excused.

11:11 a.m. Court stands at recess.

11:18 a.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is present.

Gabriel Boldra is sworn and testifies.

LET THE RECORD REFLECT that the witness' counsel, Rebecca Felmly, is present in the courtroom.

During the recess, State's Exhibit 159 is marked for identification.

11:56 a.m. The jury is excused and court remains in session.

LET THE RECORD REFLECT that the Court and counsel confer at the Bench, on the record.

11:57 a.m. Court stands at recess.

1:31 p.m. Court reconvenes with Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is present.

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Gabriel Boldra testifies further.

LET THE RECORD REFLECT that the witness' counsel, Rebecca Felmly, is present in the courtroom.

LET THE RECORD FURTHER REFLECT that State's Exhibit 153 is unsealed by Detective McMillen and resealed by Detective McMillen.

State's Exhibit 153 is received in evidence.

2:28 p.m. The jury is excused and court remains in session.

LET THE RECORD REFLECT that the Court and counsel confer at the Bench, on the record.

2:31 p.m. Court stands at recess.

2:46 p.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is not present.

Based on the discussions held at the Bench Conference, Juror No. 6 will be brought into the courtroom without the other members of the jury.

LET THE RECORD REFLECT that Juror No. 6 is present in the courtroom and the Court asks the juror questions, as stated on the record.

Juror No. 6 is given the admonition and excused from the courtroom.

Discussion is held re: witness, Gabriel Boldra's testimony.

LET THE RECORD REFLECT that the witness, Gabriel Boldra, is present with his counsel, Rebecca Felmly, and the Court admonishes the witness regarding the testimony that is not allowed to be elicited.

2:53 p.m. The jury is now present.

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Gabriel Boldra testifies further.

LET THE RECORD REFLECT that the witness' counsel, Rebecca Felmly, is present in the courtroom.

LET THE RECORD REFLECT the Court is in receipt of a question from the jury. Same is discussed at the bench by Court and counsel. The Court asks the question of the witness.

FILED: Jury question.

3:26 p.m. The jury is excused and court remains in session.

The witness is excused.

Discussion is held re: witness schedule.

3:30 p.m. Court stands at recess.

During the recess, State's Exhibit 160 is marked for identification.

3:35 p.m. Court reconvenes with the Defendant and respective counsel present.

Court reporter, Scott Kindle, is present.

The jury is present.

Michelle Moleterno is sworn and testifies.

LET THE RECORD REFLECT that the witness makes an in-court identification of the Defendant.

4:35 p.m. The jury is excused until September 3, 2009 at 10:30 a.m. and court remains in session.

The witness is excused until September 3, 2009.

4:36 p.m. Trial continues to September 3, 2009 at 10:30 a.m.

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>